

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR.

ORDER

Smt. Jasoda Ahiri.

Versus

State of Rajasthan
& ors.

S.B. Civil Writ Petition No. 545/2005

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Date of Order: March 26, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Shambhoo Singh, for the petitioner.
Mr. B.L. Tiwari, Deputy Govt. Advocate, for respondents No.1 to 5.
None present for the respondent No.6.

BY THE COURT:

No one appears for the respondent No.6 though served.

By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks quashing of the order Annx.11 dated 10-12-2004 passed the respondent No.4, the Vikas Adhikari, Panchayat Samiti, Simalwada, district Dungarpur.

I have heard learned counsel for the parties.

The facts and circumstances giving rise to the instant writ petition are that the petitioner appeared before the Selection Committee for selection on the post of Para Teacher in pursuance of the order dated 25-8-2000 issued by the

Panchayati Raj Department of the respondent-State. She was selected, a panel was prepared and subsequently the petitioner was appointed as Para Teacher. However, some complaints were filed and one of the complainants is said to be the respondent No.6 alleging therein that she is more qualified than the petitioner but the petitioner has been selected and appointed. The respondent No. 5, by the order dated 10.12.2004 (Annex.11), directed the Gram Panchayat, New Basti Badgama to investigate the irregularities committed by the Selection Committee while preparing the panel and the name of the petitioner be removed from the panel of Para Teacher and the name of respondent No.6 Smt. Sumitra be included in the panel. That order came to be challenged by the petitioner by the instant writ petition.

It is contended by the learned counsel for the petitioner that on the date of interview, respondent No.6 did not appear before the Selection Committee and only her husband appeared and, therefore, she was not selected. He has placed on record the document Annex.8 showing that on the date of selection before the Gram Sabha in the year 2000, the petitioner appeared and as she was selected and consequently appointed as Para Teacher, whereas the respondent No.6 Smt. Sumitra did not appear before the Gram Sabha on the day of selection and, therefore, her candidature was rejected. It has further been

submitted that in pursuance to the selection and appointment, the petitioner is continuously in service for the last six years.

The question to be examined is: whether on the date of selection, whether there was more qualified and meritorious person than the petitioner. There is nothing on record to suggest that there was any person appeared before the Selection Committee who was more qualified and meritorious than the petitioner. Even if the respondent No.6 is taken to be a more qualified person but as she failed to appear before the Gram Sabha for selection, therefore, her candidature could not be considered. In pursuance of the selection and appointment, the petitioner is in service for the last more than six years. In this view of the matter, the impugned order Annx.11 dated 10-12-2004 deserves to be quashed.

In the result, the writ petition is allowed. The impugned order dated 10-12-2004 (Annx.11) is quashed. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs